

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 6/14/2012

Action Requested By:
Legal

Agenda Item Type
Resolution

Subject Matter:

Invoke letter of credit.

Exact Wording for the Agenda:

Resolution authorizing the Clerk Treasurer to Invoke Renasant Bank Letter of Credit No. 3104 for Legacy Cove Subdivision.

Note: If amendment, please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

Associated Cost:

Budgeted Item: No

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: 

Date: 6-8-12

RESOLUTION NO. 12-_____

WHEREAS, Renasant Bank issued a certain letter of credit (No. 3104), a copy of which is attached hereto and incorporated herein by reference, including any amendments thereto, in favor of the City of Huntsville, Alabama pursuant to Article 5 of the Subdivision Regulations for the City of Huntsville, Alabama; and

WHEREAS, the letter of credit is due to be invoked and the proceeds used in accordance with said subdivision regulations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the City of Huntsville Clerk-Treasurer be and is hereby authorized to present for payment to Renasant Bank Letter of Credit No. 3104, prior to the expiration date thereof, with the language as specified in said Letter of Credit.

ADOPTED this the 14th day of June, 2012.

President of the City Council
of the City of Huntsville,
Alabama

APPROVED this the 14th day of June, 2012.

Mayor of the City of
Huntsville, Alabama



5/10
24

June 23, 2011

Beneficiary:

City of Huntsville
308 Fountain Circle
P.O. Box 308
Huntsville, AL 35801

MS
6/22/11
MW 6-22-11

RE: Letter of Credit #3104

Jeff Benton Development, Inc. and Jeff Benton Homes, Inc.

AMENDMENT NUMBER THREE TO LETTER OF CREDIT #3104

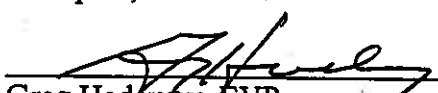
Gentlemen:

The above captioned Letter of Credit is hereby amended as follows:

1. The amount of the Letter of Credit is decreased from One Hundred Thirty Six Thousand Five Hundred Dollars and Zero Cents (\$136,500.00) to One Hundred Ten Thousand Three Hundred Twenty Dollars and Zero Cents (\$110,320.00).
2. The expiration date is extended to June 23, 2012.

All other terms and conditions remain unchanged. Please sign the acknowledgement below and return a copy of this amendment with an original signature.

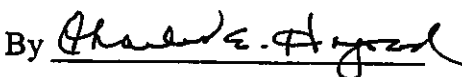
RENASANT BANK
Attn: Greg Hadaway
5240 Poplar Ave, Suite 200
Memphis, TN 38119



Greg Hadaway, EVP

Acknowledged and agreed to this 23rd day of June 2011

City of Huntsville

By 

Charles E. Aycock

CEK
6/23/11

OK 6/22/11

RENASANT
BANK

Legacy Cove 3
Sidewalks

June 28, 2010

Beneficiary:

City of Huntsville
308 Fountain Circle
P.O. Box 308
Huntsville, AL 35801

RE: Letter of Credit #3104

Jeff Benton Development, Inc. and Jeff Benton Homes, Inc.

AMENDMENT NUMBER TWO TO LETTER OF CREDIT #3104

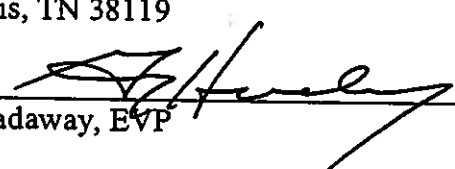
Gentlemen:

The above captioned Letter of Credit is hereby amended as follows based on your notes written on the acknowledgement of Amendment Number One::

1. The automatically renewable clause added in Amendment One is now removed. Letter of Credit # 3104 expires June 23, 2011 and will not automatically renew.

All other terms and conditions remain unchanged. Please sign the acknowledgement below and return a copy of this amendment with an original signature.

RENASANT BANK
Attn: Greg Hadaway
5240 Poplar Ave, Suite 200
Memphis, TN 38119



Greg Hadaway, EVP

Acknowledged and agreed to this _____ day of _____ 2010

City of Huntsville

By _____

OK MC 7/6/10

OK MD 7/9/10

OK RA 7/14/10

OK
CEH
7/14/10



S/W
ent

IRREVOCABLE LETTER OF CREDIT NO. 03104

Beneficiary:

The City of Huntsville
P.O. Box 308
Huntsville, AL 35804

Account Party:

Jeff Benton Development, Inc.
Jeff Benton Homes, Inc.
P.O. Box 12125
Huntsville, AL 35815

Bank:

Renasant Bank
Huntsville/Balmoral
4245 Balmoral Drive
Huntsville, AL 35801

Subject: Article 5 Sidewalk, Letter of Credit for Legacy Cove Phase III – A resubdivision of a part of tract 3 of a resubdivision of Williams-Wheeler Estates and a resubdivision of Doc. No. 2007081300572790 Section 10, Township 5 South, Range 2 West

Amount: \$124,275.00 One Hundred Twenty Four Thousand Two Hundred Seventy Five and 00/100 Dollars

Issue Date: April 29, 2009

Expiration Date: June 23, 2010

Gentlemen:

MS
6/10/09

We hereby open our Irrevocable Standby Letter of Credit in your favor, effective April 29, 2009, for a sum not to exceed the aggregate of One Hundred Twenty Four Thousand Two Hundred Seventy Five and 00/00 Dollars (\$124,275.00), available by your one or more drafts at SIGHT on us.

All draft(s) drawn under and in compliance with the terms of this Credit prior to the expiration thereof will be duly honored if drawn and presented for payment to Renasant Bank.

Each draft must be accompanied by a statement signed by a representative of the City of Huntsville, Alabama, stating that the draw is being made pursuant to Article 5 of the Subdivision Regulations.

The original of the Letter of Credit and any amendments must be presented with any drawing.

We hereby engage with you that drafts drawn under and in compliance with the terms of the credit will be duly honored upon presentation and delivery of the documents as specified.

This Letter of Credit shall be governed by the laws of the State of Alabama, including but not limited to, the Alabama Uniform Commercial Code, as the same may be from time to time amended.

This Letter of Credit may not be assigned or pledged without the written consent of Renasant bank.

Sincerely,


Greg Hadaway, EVP

OK
6/16/09

OK
6/16/09